

REMARKS

Claims 1-19 are canceled. Claims 20-38 are pending. Claims 20 and 30 are amended.

Claim Rejections – 35 USC 103

Claims 20-23 and 30-32 remain rejected under 35 USC 103(a) as being unpatentable over Baumgarten (U.S. Patent 4,118,162), hereinafter referred to as Baumgarten.

Applicant respectfully submits that the Examiner reconsider the rejection in light of the amendments to independent Claims 20 and 30.

Independent Claims 20 and 30 of the present application both describe vulcanizing the reinforced hose-shaped structures after they have been stripped from the mandrels. In contradistinction, Baumgarten vulcanizes the hoses prior to removing the mandrels from them.

Vulcanizing the hose-shaped structures after they are stripped provides a non-obvious synergistic benefit. As noted in the Applicant's specification at page 4, lines 14-19,

The dimensional accuracy of the mandrels is not affected by the thermal process of the vulcanization because the reinforced hose-shaped structures are stripped in advance of the vulcanization from the individual mandrels. In this way, a uniform manufacturing quality is ensured.

In other words, the claimed process provides a more stable thermal environment for the mandrels. This reduces shrinking and swelling of the mandrels and thereby provides a uniform manufacturing quality.

Applicant respectfully requests that the Examiner reconsider the rejection in light of the claim amendments and benefits that are explained in the originally filed specification as compared to the hypothetical motivation (reducing the amount of work necessary to complete the process) that the Examiner provided in hindsight of the claims.

When reconsidering the rejection the MPEP provides guidance in section 2142:

...The legal standard of "a preponderance of evidence" requires the evidence to be more convincing than the evidence which is offered in opposition to it. With regard to rejections under 35 U.S.C. 103, the examiner must provide evidence which as a whole shows that the legal determination sought to be proved (i.e., the reference teachings establish a prima facie case of obviousness) is more probable than not.

When an applicant submits evidence, whether in the specification as originally filed or in reply to a rejection, the examiner must reconsider the patentability of the claimed invention. The decision on patentability must be made based upon consideration of all the evidence, including the evidence submitted by the examiner and the evidence submitted by the applicant. A decision to make or maintain a rejection in the face of all the evidence must show that it was based on the totality of the evidence. Facts established by rebuttal evidence must be evaluated along with the facts on which the conclusion of obviousness was reached, not against the conclusion itself...

In light of the foregoing, Applicant submits that it is more likely than not that the synergistic motivation (provide uniform manufacturing quality) that was provided in the originally-filed specification is a non-obvious reason for changing the order of steps of the prior art. Applicant respectfully requests that the Examiner reconsider the rejection in light of the totality of the evidence for motivations to change the order of steps of the prior art.

Claims 21-29 and 31-38 depend either directly or indirectly from Claims 20 and 30 and are therefore believed to be in a condition for allowance for at least the same reason as Claims 20 and 30.

CONCLUSION

Accordingly, Applicant believes that the claims as amended overcome the raised objections and rejections and are in a condition for allowance.

Respectfully submitted,

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